



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 06-04

- ☒ Preproposal Statement of Inquiry was filed as WSR April 14, 2006 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington. This rule making would be directed toward correcting deficiencies noted by EPA in their formal disapproval (March 22, 2006) of Washington's 2003 revisions to the state surface water quality standards (Chapter 173-201A WAC).

Hearing location(s): See attachment

Submit written comments to:

Name: Sabrina Payne
Address: Water Quality Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

e-mail SPAY461@ecy.wa.gov

fax (360)407-6426 Received by Sept. 5, 2006

Assistance for persons with disabilities: Contact

Sabrina Payne by August 1, 2006

TTY (800) 833-6388 or (360) 407-6157

Date: _____ Time: _____

Date of intended adoption: October 31, 2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposed corrective rule would:

- Change the designated uses for many rivers from "spawning and noncore rearing" to "core summer salmonid habitat" and change rule text to support the basis for these changes. This change will result in many rivers going from a 7 day average temperature of 17.5°C to a 7-day average daily maximum of 16°C and the dissolved oxygen criteria will go from 8.0 mg/l to 9.5 mg/l.
- Change a small number of rivers to the "char spawning and rearing" designated use type and change rule text to support the basis for these changes. This change will result in some rivers going to a 7-day average daily maximum of 12°C from the old daily 7 day average of 16°C or 17.5°C.
- Add spawning locations and timing windows where explicit spawning/incubation temperature criteria would apply for salmonids. These changes will apply a 7-day average daily maximum criterion of 13°C to protect spawning and incubation of salmon and trout (9°C for the spawning of bull trout)
- Correct miscellaneous minor (typographic) errors introduced during the 2003 rule making.

Statutory authority for adoption: Chapter 90.48 035 RCW

Statute being implemented: Chapter 90.48 RCW

Is rule necessary because of a:

Federal Law?

☒ Yes ☐ No

Federal Court Decision?

☐ Yes ☐ No

State Court Decision?

☐ Yes ☐ No

If yes, CITATION:

CITE: 40FRI131.20

DATE

6/19/06

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 21 2006

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5M

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

☐ Private
☐ Public
☐ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Melissa Gildersleeve	Department of Ecology HQ	(360) 407-6461
Implementation	Melissa Gildersleeve	Department of Ecology HQ	(360) 407-6461
Enforcement	Melissa Gildersleeve	Department of Ecology HQ	(360) 407-6461

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Sabrina Payne
Address: 300 Desmond Drive
Lacey, WA 98504

phone (360) 407-6157
fax (360) 407-6426
e-mail SPAY461@ecy.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name: Sabrina Payne
Address: 300 Desmond Drive
Lacey, WA 98504

phone (360) 407-6157
fax (360) 407-6426
e-mail SPAY461@ecy.wa.gov

☐ No. Please explain:

Hearing location(s)

Olympia

Department of Ecology Auditorium
300 Desmond Dr.
Lacey, WA 98504
Date: August 7, 2006
Workshop Starts: 6:00pm
Hearing immediately following

Longview

Lower Columbia College
Student Bldg
1600 Maple St.
Longview, WA 98632
Date: August 8, 2006
Workshop Starts: 6:00pm
Hearing immediately following

Bellingham

Whatcom County Courthouse
311 Grand Avenue
Bellingham, WA 98225
Date: August 9, 2006
Workshops Starts: 6:00pm
Hearing immediately following

Wenatchee

Douglas County PUD
1151 Valley Mall Pkwy
East Wenatchee, WA 98802-4497
Date: August 14, 2006
Workshops Starts: 6:00pm
Hearing immediately following

Tri-Cities

Benton County PUD
2727 West Tenth Ave.
Kennewick, WA 99336
Date: August 15, 2006
Workshops Starts: 6:00pm
Hearing immediately following

